6/991

Circular

# 6

# Obtaining Access to and Copies of Copyright Office Records and Deposits

READEX FICHE best copy available

LC 3.4/2:

# Obtaining Access to and Copies of Copyright Office Records and Deposits

## GENERAL INFORMATION

Under the provisions of the Copyright Act (title 17 of the United States Code), the Copyright Office maintains records of and indexes to deposits, registrations, and recordations related to copyright registration. In accordance with sections 705 and 706 of the Copyright Act, inspection and copies may be made of any public records or indexes, and under conditions prescribed by regulation, copies or reproductions may be made of deposited articles retained under the control of the Copyright Office. If the requestor requires certified copies, the Copyright Office will provide them, for an additional fee. The Copyright Office provides various fee services to assist with searches to locate the proper material and with the making of copies. Copies of some public records may be made on coin-operated photocopying machines in the Copyright Office, or the Copyright Office will furnish copies for a fee which varies according to the type of material or records requested.

## THE CERTIFICATIONS AND DOCUMENTS SECTION

Requests for inspection and certified or uncertified copies of Copyright Office records or deposits, other than records of the Licensing Division, should be made to the Certifications and Documents Section, located on the 4th floor of the James Madison Memorial Building, on Independence Avenue between First and Second Streets, S.E. Copies or reproductions of deposited articles may be made only by staff members of the Copyright Office or by staff members of the Library of Congress.

The Section is open to the public between 8:30 a.m. and 5 p.m., Monday through Friday (except legal holidays). The telephone number is (202) 707-6787.

The mailing address for requests for inspection and copies of records or deposits is:

Certifications and Documents Section, LM-402
Copyright Office
Library of Congress
Washington, D.C. 20559

## REQUEST FOR COPIES OF RECORDS

When you write to the Copyright Office for copies of records, your request should:

1. Clearly identify the type of records you wish to obtain (for example, additional certificates of registration, copies of correspondence, copies of deposits).

2. Specify whether you require certified or uncertified copies.

3. Clearly identify the specific records to be copied. Your request should include the following specific information, if possible:

(1) the type of work involved (for example, novel, lyrics, photograph); and

(2) the registration number including preceding letter(s) (for example, TX000-000, A000); and

(3) the year date or approximate year date of registration (for example, 1985); and

(4) the complete title of the work; and

(5) the author(s) including any pseudonym by which the author may be known; and

(6) the claimant(s); and

(7) if the requested copy is of an assignment, license, contract, or other recorded document, the volume and page number of the recorded document.

4. Comply with any special requirements which are outlined below for obtaining copies of certain types of documents.

5. Include the fee if the copy requested is an additional certificate of registration. The Certifications and Documents Section will review requests for other copies and quote fees for each.

6. Include your telephone number and address so a staff member of the Copyright Office can contact you.

If the year date of registration and the title of the work are not provided, a search of the Copyright Office records may be required for purposes of verification; there is an hourly fee of $20.00 for this service.

For information about doing research in the records of the Copyright Office, write for Circular 22, "How to Investigate the Copyright Status of a Work," or write to:

Reference and Bibliography Section, LM-450
Copyright Office
Library of Congress
Washington, D.C. 20559

## KINDS OF DOCUMENTS

### What is Certification?

When the Copyright Office certifies a copy of one of its records, it attaches a statement under the seal of the Copyright Office attesting that the document is a true copy of the record in question. Certified copies are frequently requested as evidence of the authenticity of documents when litigation is involved.

### Additional Certificates of Registration

Copyright registration is a legal formality intended to make a public record of the basic facts of a particular copyright. The owner of any of the exclusive rights in an original work of authorship may obtain registration of the copyright claim by sending together in the same package the application, fee, and correct deposit of the work as specified in the copyright law. (Request Circular 1 for information on registration procedures.) After the claim to copyright has been examined and the Copyright Office has determined that the claim should be registered, the Copyright Office will send the owner of the copyright a certificate of registration under the seal of the Copyright Office. If the registration of a work was made before or within 5 years after first publication of the work, the certificate of registration will serve as prima facie evidence of the validity of the copyright and of the facts stated in the certificate.

You may request additional certificates of copyright registration by writing to the Copyright Office. The additional certificate has the same legal or evidentiary effect as the original certificate. It contains the seal and signature of the Register of Copyrights and needs no further certification.

Your request for an additional certificate should include:

1. Title;

2. The registration number;

3. The year date of registration or publication;

4. Any other information needed to identify the registration; and

5. The fee of $8.00, which should accompany the request in the form of a check or money order payable to the Register of Copyrights.[1]

[1]"See"Fees" on p.5.

### Copies of Certain Public Records Other Than Deposits

The Copyright Office will prepare certified or uncertified copies of other public records, except deposit, upon request. It is very important that the records be clearly identified to minimize the time required for searches by the Copyright Office staff; these searches require an additional search fee.

Photocopies of the following records may be obtained: numbered applications, assignments, licenses, affidavits, contracts, or other documents pertaining to a copyright that have been recorded in the Copyright Office. The fee schedule for copies of these records is included on page 5 of this circular; however, we prefer that you submit your request without payment so that the Copyright Office may quote you a fee.

## COPIES OF DEPOSITS

### Information Required

All requests for copies of deposits should be submitted to the Certifications and Documents Section. The Copyright Office will provide certified or uncertified reproductions of published or unpublished works deposited in connection with a copyright registration and held in its custody **only** when one of the following three conditions has been met:

1. Written authorization is received from the copyright claimant of record or his or her designated agent, or from the owner of any of the exclusive rights in the copyright as long as this ownership can be demonstrated by written documentation of the transfer of ownership.

2. The Copyright Office Litigation Statement Form is completed and received from an attorney or authorized representative in connection with litigation, actual or prospective, involving the copyrighted work. The following information must be included in such a request: a) the names of all the parties involved and the nature of the controversy; b) the name of the court in which the actual case is pending. In the case of a prospective proceeding, the requestor must give a full statement of the facts of controversy in which the copyrighted work is involved, attach any letter or other document that supports the claim that litigation may be in-

stituted, and make satisfactory assurance that the requested reproduction will be used only in connection with the specified litigation. Contact the Certifications and Documents Section for a Litigation Statement Form. This form must be used; no substitutions will be permitted. The form must contain an original signature and all information requested in order for the Copyright Office to process the request.

3. A court order is issued for a reproduction of a deposited article, facsimile, or identifying portion of a work which is the subject of litigation in its jurisdiction. The order must be issued by a court having jurisdiction of a case in which the copy is to be submitted as evidence.

A request for copies of works deposited in connection with a copyright claim should be accompanied by whatever material is necessary to show that one of the three conditions given above has been met. **Do not submit a fee for copies of deposited works unless you are certain of the amount.** The Office will review each request and quote a fee.

If you are ordering a photocopy of a work deposited in connection with a copyright registration and you are **not** the original copyright claimant, you must provide written information about the transfer of any or all of the exclusive rights to you. If the transfer of the copyright is recorded in the Copyright Office please include, if possible, the assignment volume, page number, and approximate year date. If you cannot supply that information, it will be necessary to conduct a search of the Copyright Office files for that information and a search fee will be required.

### Kinds of Copies of Deposited Works

When you order a copy of the work deposited in connection with a copyright claim, the Certifications and Documents Section will supply a reproduction of one of the following depending upon the actual deposit: 1) the original work; or 2) any identifying material submitted in lieu of the original work; or 3) a reproduction of any facsimile which the Copyright Office is required by law to retain when the deposited article has been transferred to the Library of Congress.

Requests for reproduction of deposited works not retained under the control of the Copyright Office will be referred to the Photoduplication Service of the Library of Congress. If the reproduction requestor has indicated specifically that a reproduction of a **deposited** article is desired, and the copyright deposit is not available in the collections of the Library of Congress, the Photoduplication Service will notify the requestor before making a copy from any other source. When certification of these reproductions is requested or required, the Photoduplication Service will provide a statement attesting to the fact that the reproduction being provided was made from an article **deposited** for copyright registration and transferred to the control of the Library of Congress.

### Copies of Phonorecords Deposited for Copyright Registration

When a request is made for a reproduction of a phonorecord, such as an audiotape or cassette, in which either a sound recording or the underlying musical, dramatic, or literary work is embodied, the Copyright Office will provide proximate reproduction. The Copyright Office reserves the right to substitute a monaural reproduction for a stereo, quadraphonic, or any other type of separation incorporated in the deposited work. Even if the reproduction is of the same type of separation as the original, an exact reproduction cannot be guaranteed; due to the characteristics of available sound reproduction, all frequencies contained in the original phonorecord may not be reproduced.

The Copyright Office will provide the title, the registration number of the phonorecord, and a written statement describing the form and location of any visually perceptible notice of copyright. In response to a specific request, the Copyright Office will provide reproductions of any printed or other visually perceptible material published with the phonorecord.

### Inspection of Copyright Office Records

Inspection of completed records and indexes relating to a registration or a recorded document and inspection of copies or identifying material deposited in connection with a completed registration may be undertaken in the Certifications and Documents Section. Since some of these materials are not stored on the immediate premises of the Copyright Office, it is advisable to consult the Certifications and Documents Section to determine the length of time necessary to retrieve the requested materials.

## FEES

1. Additional certificates—$8.00.

2. Certification of records—$20.00 per hour or fraction thereof for each certification requested (plus any applicable photoduplication fees).

3. Photoduplication fees—$.45 per page; minimum fee per item—$7.00 for up to 15 pages. For color photocopies: $1.00 per page; minimum fee per item: $15.00 for up to 15 pages. These fees may vary according to the type of materials requested. Photoduplication fees are set by the Library of Congress and are subject to change without notice.

4. Search fee—$20.00 per hour or fraction thereof.

5. Inspection fee—$10.00 plus minimum search fee of $20.00 per hour or fraction thereof.

NOTE: Fees are cumulative. For example, a total of $47.00 would be charged for a certified copy of a 7-page record for which a 1-hour search was required; the search fee would be $20.00, the photoduplication fee $7.00, and the certification fee $20.00, for a total of $47.00.

**Based on the information you furnish, we will provide a free estimate of the total fee. All requests for fee estimates should be addressed to:**

**Certifications and Documents Section, LM-402**
**Copyright Office**
**Library of Congress**
**Washington, D.C. 20559**

## COPYRIGHT OFFICE RECORDS IN THE LICENSING DIVISION

The Licensing Division of the Copyright Office maintains records of transactions related to: the secondary transmission of copyrighted works on cable television systems and by satellite carriers for private home viewing; the making and distribution of phonorecords; the use of certain works in connection with noncommercial broadcasting; and public performance of copyrighted music on jukeboxes from 1978-1989.

The records of the Licensing Division are open to public inspection and searching during hours of public service (8:30 a.m.-5 p.m.), Monday through Friday, (except legal holidays) in Room LM-458 (4th floor) of the James Madison Memorial Building. Inquiries about documents related to licensing should be addressed to:

Licensing Division, LM-458
Copyright Office
Library of Congress
Washington, D.C. 20557

The Division may be contacted by telephone at (202) 707-8150. For further information about the Licensing Division, write for Circular 75.